

MINNESOTA BOARD OF MEDICAL PRACTICE BIENNIAL REPORT

JULY 1, 2006 TO JUNE 30, 2008

BIENNIAL REPORT

MINNESOTA BOARD OF MEDICAL PRACTICE 2829 UNIVERSITY AVENUE SE, SUITE 500 MINNEAPOLIS, MINNESOTA 55414-3246

STATUTORY AUTHORITY: M.S. 146, 147, 148, 319A

REPORT PERIOD: JULY 1, 2006 TO JUNE 30, 2008

SUBMITTED BY: ROBERT A. LEACH, EXECUTIVE DIRECTOR

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Minnesota Board of Medical Practice Biennial Report July 1, 2006 to June 30, 2008

I. General Information

A. Board Mission and Major Functions

BMP Mission

The board's mission is to protect the public by extending the privilege to practice to qualified applicants, and investigating complaints relating to the competency or behavior of individual licensees or registrants.

The Board of Medical Practice is made up of 11 physicians and 5 public members, all of whom are appointed by the governor. Approximately 17,100 physicians are licensed by the Board of Medical Practice and the board also regulates acupuncturists, athletic trainers, physician assistants, respiratory care practitioners, traditional midwives, and professional firms.

Currently, graduates from US medical schools must complete a one year residency program and pass the national standardized examination to be licensed in Minnesota. Foreign graduates must pass their examinations and complete two years of residency training in the United States or Canada. The board also considers other information provided by the applicant and may conduct interviews before a license is granted.

BMP functions

Setting and administering educational and examination standards for initial and continuing licensure or registration for each health profession regulated by the Board

- Setting licensure requirements through the legislative process.
- Selecting the licensing examination to assure an adequate candidate knowledge base.
- Reviewing individual applicant/licensee documentation to determine eligibility for initial and continuing licensure.
- Constantly reviewing statutes as well as working with professional organizations to assure current, up-to-date-laws, keeping pace with new or continuously changing professions.
- Working with Advisory Councils to set standards for initial and continuing licensure for each health profession regulated.
- Ensuring that initial and continuing licensure activities comply with relevant federal laws (e.g. Americans with Disabilities Act).

Pursuing educational or disciplinary action with licensees as deemed necessary based upon results of investigations conducted in response to complaints/reports

- Providing applicants and licensees education to improve practice and assure compliance with the statutes.
- Conducting audits of continuing education to assure continuing competency as well as compliance with the law.
- Working with Advisory Councils to direct and review investigations and provide advice in resolving issues and enforcing the statutes.

Providing information and education about licensure requirements and procedures and standards of practice to the public, the health care community, and other interested clientele

- ♦ Providing information to the health care community and other interested clientele concerning licensure requirements as well as information on licensees.
- Providing information about licensure requirements to prospective applicants for licensure.
- Providing information to licensees to assure compliance with the law through newsletters, websites, and meetings.
- Providing information to licensees, health care community, the general public, and other interested clientele regarding licensure laws as well as related laws.
- Working with the Advisory Councils to disseminate information to licensees, general public, health care facilities and other interested clientele.

Responding to inquiries, complaints and reports from the public and other health care regulators regarding licensure and conduct of applicants, permit holders, licensees and unlicensed practitioners

- Accepting complaints and reports from the public, health care providers, and regulators.
- Deciding whether a complaint or inquiry is jurisdictional and, if so, whether and what type
 of action to pursue to resolve the matter.
- Referring inquiries and complaints to other investigative, regulatory or assisting agencies.
- Responding to complainants and agency reports by informing the complainants/agencies
 of action taken to resolve their complaints while observing provisions of the data
 practices act regarding the legal status of data obtained during the course of an
 investigation and disciplinary proceeding.

Pursuing educational or disciplinary action with licensees as deemed necessary based upon results of investigations conducted in response to complaints/reports

- Setting standards of conduct and a basis for disciplinary action through the rules process.
- ♦ Seeking information directly from the licensee and securing investigative and fact finding information from other agencies in response to complaints or inquiries.
- ♦ Holding conferences with licensees to identify their role and responsibility in a matter under investigation.
- Providing applicants and licensees education to improve practice and prevent recurrence of problems.
- ♦ Obtaining disciplinary action through either voluntary agreement or through a due process, contested case hearing and potential court action.

B. Major Activities During the Biennium

1. STRATEGIC PLANNING

Throughout 2006 – 2008, the Board has engaged in a number of Strategic Planning Meetings. The Board's future strategic planning efforts will be directed by the Board's Policy and Planning Committee.

2. TASKFORCE ON CONTINUING COMPETENCY AND MAINTENANCE OF LICENSURE

Throughout 2006-2008, the Board's Taskforce on Continuing Competency and Maintenance of Licensure engaged in a series of meetings to address the question of how the Board can assure the public on the competency of physicians practicing in Minnesota. The Board's efforts on this issue parallel a similar effort spearheaded on the national level by the Federation of State Medical Boards.

Members of the Taskforce are:

- Linda Van Etta, M.D., Board President Chair
- Steven Altchuler, M.D., Ph.D., Board Member
- Jon Thomas, M.D., MBA Board Member
- Rebecca Hafner-Fogarty, M.D., MBA Board Vice President
- Kelli Johnson Board Member
- Kathleen Brooks, M.D., MBA, MPA Minnesota Medical Association
- Stephen Miller, M.D., MPH American Board of Medical Specialties
- Douglas Hiza, M.D. BlueCross/BlueShield
- David Feinwachs, J.D. Minnesota Hospital Association
- Deborah Powell, M.D., Dean, University of Minnesota Medical School
- Keith Stelter, M.D. Minnesota Academy of Family Practice
- David Williams, M.D./Joseph Kolars, M.D. American College of Physicians
- Robert Leach, J.D. Executive Director, Minnesota Board of Medical Practice
- Richard Auld, Ph.D. Assistant Executive Director, Minnesota Board of Medical Practice
- Alison Coulter, M.D. Medical Coordinator, Minnesota Board of Medical Practice

3. EXECUTIVE DIRECTOR

The Board's Executive Director, Robert A. Leach, J.D., continued to serve on the National Board of Medical Examiners Committee on Irregular Behavior and Score Validity for the United States Medical Licensing Examination.

4. PUBLIC OUTREACH

The Board discontinued its presence at the Minnesota State Fair in 2007. The Board has redirected its efforts to increase public awareness of the Board's role in public protection and to promote its on-line Physician Profile by contracting for public service announcements on Minnesota Public Radio.

5. MINNESOTA ALLIANCE FOR PATIENT SAFETY

Ruth Martinez, Complaint Review Unit Supervisor, has represented the Board on the Minnesota Alliance for Patient Safety.

The Minnesota Alliance for Patient Safety ("MAPS") is a partnership among the Minnesota Hospital Association, the Minnesota Medical Association, the Minnesota Department of Health, Health

Licensing Boards (including the Board of Medical Practice), and many other public and private health care organizations working together to improve patient safety. The MAPS mission is to promote optimum patient safety through collaborative and supportive efforts among all participants of the health care system in Minnesota; with the goals of improving patient safety, the culture for patient safety, and mobilizing community resources for patient safety. MAPS participants, including the Board of Medical Practice, have worked together to develop a statement that represents the collaborative efforts of health care organizations in Minnesota to improve patient safety and health care quality. The Board of Medical Practice, at its meeting on March 4, 2006, voted to adopt the MAPS Statement of Support for a Statewide Culture of Learning. The MAPS statement reflects the current philosophy of the Board of Medical Practice and is consistent with the Board's mission to protect the public.

II. Board Members, Staff, and Budget

A. Board Composition

LIST OF BOARD MEMBERS WHO SERVED DURING FISCAL YEARS 2007 AND 2008

NUMBER OF BOARD MEMBERS REQUIRED BY STATUTE: 16 LENGTH OF TERM: 4 YEARS

Name & Address	Occupation	Term(s)
Steven Altchuler, M.D., Ph.D.	Medical Doctor	1/00 - 1/01
Mayo Clinic		2/01 - 1/05
200 First Street SW		4/05 - 1/08
Rochester, MN 55905		
Alfred V. Anderson, M.D., D.C.	Medical Doctor	9/03 – 1/07
Pain Assessment & Rehabilitation Center, LTD.	Chiropractor	4/07 - 1/11
5775 Wayzata Blvd., #110		
St. Louis Park, MN 55416		- 10 - 1 /10
Robert Brown, Ph.D.	Administrator	7/06 - 1/10
The University of St. Thomas		
1000 LaSalle Avenue, MOH217 Minneapolis, MN 55403		
Jack Geller, Ph.D.	Educator	7/06 – 1/10
Professor & Head	Luucatoi	7/00 - 1/10
Department of Arts, Humanities & Social		
Sciences		
110 A Sahlstrom Hall		
University of Minnesota, Crookston		
2900 University Avenue		
Crookston, MN 56716		
Rebecca Hafner-Fogarty, M.D., MBA	Medical Doctor	1/98 - 1/02
Minnesota Board of Medical Practice		1/02 - 9/03
2829 University Avenue SE, 500		3/04 - 1/06
St. Paul, MN 55414		6/06 - 1/10
Bradley S. Johnson, M.D.	Medical Doctor	3/04 - 1/08
1021 Bandana Blvd., East		8/08 - 1/12
St. Paul, MN 55108		
Kelli Johnson	Administrator	7/04 - 1/08
SHADAC/University of MN		8/08 - 1/12
2221 University Avenue., SE, #345		
Minneapolis, MN 55414	16 11 15	2/04 1/00
Ernest W. Lampe, II, M.D.	Medical Doctor	3/04 – 1/08
Surgical Specialists of Minnesota 2545 Chicago Avenue, Suite 500		8/08 – 1/12
Minneapolis, MN 55404		
James Langland, M.D.	Medical Doctor	7/04 - 1/08
Dakota Clinic	oaioai Bootoi	8/08 – 1/12
1720 Highway 59 SE		0/00 - 1/12
Thief River Falls, MN 56701		

Name & Address	Occupation	Term(s)
Tammy McGee College of St. Catherine 2004 Randolph Avenue Mail Code F3 St. Paul, MN 55105	Administrator	4/07 – 1/11
James L. Mona, D.O. Hutchinson Area Healthcare 1095 Highway 15 South Hutchinson, MN 55350	Doctor of Osteopathy	7/03 – 1/07 4/07 – 1/11
Allen Rasmussen Rainy River Community College 1501 Highway 71 International Falls, MN 56649	Educator	3/02 - 1/04 1/04 - 1/08 8/08 - 1/10
Kris Sanda 11730 Hastings Street NE Blaine, MN 55449-7912	Businesswoman	7/99 - 1/03 7/03 – 1/07
Carl Smith, M.D. Hennepin County Medical Center 701 Park Avenue South, 869A Minneapolis, MN 55414	Medical Doctor	2/01 - 1/05 4/05 – 1/09
Gregory Snyder, M.D. Minnesota Radiology 4000 West 76 th Street Edina, MN 55435	Medical Doctor	6/06 – 1/10
Jon Thomas, M.D., MBA 347 North Smith Avenue, Suite 602 St. Paul, MN 55102	Medical Doctor	2/01 - 1/05 4/05 – 1/09
Linda Lee Van Etta, M.D. St. Luke's Infectious Disease Assoc. 1001 East Superior St., L201 Duluth, MN 55802	Medical Doctor	2/01 - 1/05 4/05 — 1/09

B. Employees

<u>NAME</u>	CURRENT JOB CLASSIFCATION/TITLE	DATES OF SERVICE
David Anderson	Information Technology Specialist 2 Network Administrator	09-06-06 - present
Therese Anderson	Office & Administrative Specialist Intermediate Licensure Specialist	10-25-76 – 10-09-07
Richard Auld	Assistant Executive Director	11-25-85 - 06-16-92 08-24-94 - 01-21-98 01-01-99 - present
Wendy Boswell	Office & Administrative Specialist Intermediate Registration Specialist	07-03-06 - present
Vicki Chelgren	Office & Administrative Specialist Registration Assistant	11-27-06 - present
Mark Chu	Information Technology Specialist 4 Database Administrator	12-10-01 – present
Barbara Dressel	Office & Administrative Specialist Receptionist	10-20-76 – present
Mary Erickson	Investigator Senior Medical Regulations Analyst Senior	04-24-91 – present
Nick Hansgen	Information Technology Specialist 2 Network Administrator	01-21-03 – 08-23-06
Patricia Hayes	Office & Administrative Specialist Principal Licensure Specialist	02-27-89 – present
Jeanne Hoffman	Management Analyst Supervisor 3 Licensure Supervisor	04-01-87 – present
Polly Hoye	Legal Analyst	02-13-06 - present
Elizabeth Huntley	Investigator Medical Regulations Analyst	07-23-03 - present
Lois Kauppila	Office Services Supervisor 2 Office Manager	11-25-85 – present
Cheryl Kohanek	Office & Administrative Specialist Principal Executive Assistant	12-10-97 – present
Robert Leach	Executive Director	01-20-88 - present
Maura LeClair	Office & Administrative Specialist Complaint Review Unit Assistant	07-30-03- present

<u>NAME</u>	CURRENT JOB CLASSIFCATION/TITLE	DATES OF SERVICE
Paul Luecke	Office & Administrative Specialist Intermediate Licensure Specialist	04-03-96 - present
William Marczewski	Investigator Medical Regulations Analyst	02-03-88 - present
Ruth Martinez	Investigation Supervisor Complaint Review Unit Supervisor	01-20-88 - 07-07-93 06-01-94 - present
Debra Milla	Accounting Officer	12-04-91 - present
Kari Nybakke	Office & Administrative Specialist Registration Assistant	04-24-06 – 09-26-06
Helen Patrikus	Investigator Medical Regulations Analyst	10-23-91 – present
Rachel Prokop	Office & Administrative Specialist Intermediate Registration Specialist	01-02-08 - present
Kevin Slator	Investigator Senior Medical Regulations Analyst Senior	01-04-99 – 07-25-06
Karen Stuart	Office & Administrative Specialist Complaint Review Unit Assistant	08-22-05 - present
Anthony Wijesinha	Investigator Medical Regulations Analyst	10-18-06 – present

C. Receipts and Disbursements and Major Fees Assessed by the Board

Item	FY 2007	FY 2008
Receipts	\$4,427,542	\$4,660,127
Disbursements	\$3,813,324	\$3,166,764

Source Codes	Description	ACTUAL RECEIPTS FY 2007	ACTUAL RECEIPTS FY 2008
Fund -	171 Receipts		
5191	Telemedicine Application	5,300	5,700
5192	Telemedicine Registration	14,346	17,190
5193	Telemedicine Certification	3,375	1,550
5194	Midwifery Certification	50	25
5195	Midwifery Late Fee	75	75
5196	Midwifery Temporary Permit	0	0
5197	Midwifery Annual License	1,600	1,100
5198	Midwifery Inactive Status	0	0
5199	Midwifery Application	100	0
5200	MD Annual Registration	3,561,586	3,668,248
5201	MD Application Fee	234,200	240,675
5202	Exam Administrative Fee	0	0
5203	MD Temporary License	39,300	39,000
5204	MD Endorsement Fee	2,070	1,000
5205	MD Certification	48,440	58,235
5206	MD Verification	0	0
5207	MD Late Fee	35,040	33,180
5208	MD Residency Permit	16,380	17,355
5210	Emeritus Registration	750	900
5211	PA Annual Registration With Prescribing	151,396	175,798
5212	PA Application Fee	16,320	21,120
5216	PA Certification Fee	1,575	1,700
5217	PA Verification Fee	0	0
5218	PA Late Fee	1,510	1,500
5226	RCP Annual Registration	146,166	156,186
5227	RCP Application Fee	13,500	12,500
5229	RCP Certification Fee	2,750	2,300
5230	RCP Temporary Permit	4,200	3,600
5231	RCP Late Fee	3,036	3,000
5232	AT Annual Registration	53,991	64,500
5233	AT Application Fee	3,300	4,500
5234	AT Temporary Permit	1,750	2,600
5235	AT Certification Fee	500	550
5236	AT Late Fee	945	1,215
5237	Civil Penalties	25,569	14,161
5238	Miscellaneous	487	1,361
5239	Duplicate License	4,625	4,400
5240	Education Approval	0	0
5241	Competitive Athletic Event	0	0
5242	Medical Corporate Annual Registration	13,025	12,300

Source	Description	ACTUAL RECEIPTS	ACTUAL RECEIPTS
Codes	Description 1774 Provints	FY 2007	FY 2008
Fund -	171 Receipts	0.000	0.000
5243	Corporate Application	2,020	2,300
5245	AP Annual Registration	48,576	54,038
5246	AP Application	6,150	6,150
5247	AP Certification	425	275
5248	AP Late Fee	900	1,250
5249	AP Temporary Permit	2,040	2,220
5250	AP Inactive Status	0	0
5251	PA Annual Registration Without Prescribing	5,002	2,415
5252	PA Temporary Permit	6,420	9,295
5253	PA Temporary Registration	690	1,265
5254	PA Locum Tenens Permit	0	0
5255	RCP Temporary Registration	2,340	3,690
5256	RCP Inactive Status	100	150
5257	Report Generation	5,875	5,980
5258	AT Temporary Registration	300	400
5259	Primary Verification	150	175
8310	EZ Gov Fee	(8,012)	0
8346	Credit Card CLR	(52,692)	0
Fund	REVENUE RECEIPTS TOTAL FUND 171	4,427,542	4,657,127
Fund -	200 Receipts		
5244	Seminar/Workshops	0	\$ 3,000
3			+ 2,200
	TOTAL RECEIPTS	<u>\$4,427,542</u>	\$4,660,127

III. Licensing and Registration

A. Licenses/Registrations Issued:

Licenses/Registrations issued by Health Profession

PHYSICIANS Federation Licensing Examination Licentiate Medical Council Canada National Board of Medical Examiners National Board of Osteopathic Medical Examiners COMLEX State Examination Examination Combination United States Medical Licensing Examination TOTAL LICENSED/REGISTERED	FY 07 46 12 115 10 43 5 16 890 1,137	FY 08 48 21 127 13 43 3 19 882 1,156
PHYSICIAN RESIDENCY PERMITS	818	858
ATHLETIC TRAINERS Equivalency General Registration Reciprocity Transitional TOTAL LICENSED/REGISTERED	22 38 22 0 82	16 33 24 0 73
PHYSICIAN ASSISTANTS National Commission on Certifications of PAs TOTAL LICENSED/REGISTERED	<u>136</u> 136	167 167
RESPIRATORY CARE PRACTITIONERS Equivalency General Registration Reciprocity TOTAL LICENSED/REGISTERED	0 75 <u>48</u> 123	0 71 <u>50</u> 121
ACUPUNCTURISTS Equivalency General Licensure Reciprocity TOTAL LICENSED/REGISTERED	0 32 6 38	0 37 <u>6</u> 43
MIDWIVES	1	1
PROFESSIONAL FIRMS	20	21
TELEMEDICINE	60	43

^{*}The Board commenced administering the telemedicine regulatory law in FY 2003.

B. NUMBER OF NEWLY REGULATED

	Physicians & Surgeons	Residency Permits	PA's	RCP's	AT's	AP's	Traditional Midwifes	Telemedicine	Total
2008	1156	858	167	121	74	43	1	43	2463
2007	1137	818	136	123	82	38	1	60	2395

C. NUMBER OF ACTIVELY REGULATED

	Physicians & Surgeons	PA's	RCP's	AT's	AP's	Traditional Midwifes	Telemedicine	Total
2008	18,797	1248	1669	611	349	14	223	22,911
2007	18,265	1111	1622	578	318	15	191	22,100

^{*}The Board commenced administering the telemedicine regulatory law in FY 2003.

IV. Complaints

A. Complaints Received

NUMBER OF COMPLAINTS RECEIVED EACH YEAR

Fiscal Year	Number of Complaints Received	Percent of Change From Previous Year
2007	832	8.2
2008	868	4.2

B. Time Required to Resolve Complaints:

As of June 30 of each year of the previous biennium (i.e., June 30 of the current year and June 30 of last year):

	FY 07	FY 08
Less than 90 days	244	204
90 – 180 days	293	309
181 – 365	153	176
More than 365 days	60	90

C. Closed Complaints That Were Open for More Than 1 Year:

FY07	FY08
60	90

D. Number of Complaints Received Each Year by Occupation:

	AP	ΑT	PA	PY	RT	Other	MW	TM
FY 07	0	4	15	750	17	35	4	8
FY 08	15	0	29	773	13	32	1	5

E. Percentage of licensees who were the subject of complaints:

	AP	ΑT	PA	PT	PΥ	RT	MW	TM
FY 07	0	.7	1.4	N/A	3.9	.8	27.3	4.2
FY 08	0	3.8	1.5	N/A	3.3	.7	6.3	1.7

F. Number of Open Complaints as of June 30 of Each Year:

FY07	FY08
507	554

G. SUMMARY OF COMPLAINTS BY SOURCE

COMPLAINT SOURCE	#OF CC FY 0	MPLAINT 7 FY 08	S % OF <u>FY 07</u>	TOTAL FY 08
BMP License Renewal Form	43	73	5.0	8.2
BMP Application Form	1	0	.1	0
BMP Staff; EX. Anonymous	24	40	2.8	4.5
BMP Non-Compliance with Order	2	2	.2	.2
Family Member	108	129	12.7	14.4
Patient Third Doorts	342	323	40.0	36.0
Third Party	23 1	35 2	2.7 .1	3.9 .2
Courts Professional Liability Settlements	101	106	11.9	11.2
Enforcement Agency	4	2	.5	.2
AGO	0	0	0	0
Peer Review Organization	1	0	.1	0
Pharmacists	0	1	0	.1
Federal DHHS	1	0	.1	0
Medical Examiner/Coroner	1	1	.1	.1
Department of Health	3	2	.4	.2
HPSP	32	45	3.8	
MN Health Related Boards	7	4	.8	
Police/Sheriff Dept. DHS	3 7	1	.4	
Drug Enforcement Agency	1	4 1	.8 .1	
OUEO	40	7	4.5	0
OHFC Medical Board Other-Federation-AM	13 A 12	7 14	1.5 1.4	
Medical Societies	0	0	0	
Other Enforcement Agency	5	3	.6	
Health Care Institution	30	20	3.5	3.4
Licensed Health Professional	60	30 52	7.0	5.8
PADS	0	0	0	0
Self-Report	23	<u>15</u>	2.7	1.7
TOTAL	848	892		

H. SUBJECTS OF COMPLAINTS	FY 07	FY 08
D. Actions by another jurisdiction	39	28
G Incompetency/Unethical Conduct	709	752
K Unprofessional Conduct	703	729
L Illness	56	89
NJ Non-jurisdictional	20	19
O Medical Records	99	113
R Becoming Addicted	34	33
S Prescribing	288	280
T Sexual Misconduct	37	45
Miscellaneous	146	<u>235</u>
TOTAL	2,131	2,323
I. CAUSES OF BOARD ORDER	<u>FY 07</u>	<u>FY 08</u>
Chemical dependency License disciplined (other state) Billing practices Unprofessional conduct Sexual misconduct with a patient Unethical conduct Improper management of medical records Convicted of felony related to practice of medicine Prescribing Aiding & abetting unlicensed person to practice medicine/failure to supervise Violating a Board rule, Federal law, and/or state law related to the practice of medicine Delinquent taxes/student loans Reporting obligation/failure to cooperate Reinstatement of unconditional Medical license failure to qualify/ lapsed/practice without license Fee splitting Adjudication as MI/CD Revealed privileged communication False advertising TOTAL	24 22 2 0 16 1 14 9 0 8 1 9 3 2 17 3 0 0 0 0	26 20 1 0 10 2 10 6 2 3 1 1 11 2 6 22 11 0 0 0 1 1 134

J. TYPES OF BOARD ORDERS	FY 07	FY 08
Amended order/civil penalty/restriction	14	9
Permanent/voluntary surrender	0	2
Reinstatement of unconditional license	17	22
Reprimand and civil penalty/restricted		
reprimand w/civil penalty/restricted		
reprimand/amended	22	31
Revoke license and revocation w/civil penalty	1	0
Stayed suspension/amended stayed	0	1
Suspended license including amended order	10	8
Temporary suspension	1	0
Other (injunction order)	0	1
TOTAL ORDERS	65	74

K. COMPLAINT INVENTORY

Complaints on hand (6/30/08)	554
New complaints received (FY08)	832
Complaints dismissed/closed, including those	785
resulting in Orders or Corrective Actions (08)	
Complaints on hand (6/30/07)	507

L. EDUCATIONAL ACTIVITIES

	<u>FY 07</u>	<u>FY 08</u>
Corrective actions	9	8
Medical Coordinator Conferences	35	54
Complaint Review Committee Appearances which did not result in a Board Order	32	33